

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DONNIE D. SMITH

PLAINTIFF

v.

No. 5:21-CV-05155

LAWRENCE COUNTY, MO, et al.

DEFENDANTS

ORDER

The Court has received a report and recommendation (Doc. 34) from United States Magistrate Judge Christy D. Comstock. No objections were filed and the deadline to file objections has passed. The Magistrate recommends that the motion (Doc. 23) to dismiss filed by Washington County, Arkansas and Joseph Wood (the “Washington County Defendants”) be granted. The Magistrate further recommends Defendants Lawrence County, MO and Bob Senninger (the “Lawrence County Defendants”) motion (Doc. 27) to dismiss be granted in part for lack of personal jurisdiction, but because of the interests of justice, the case should be transferred to the Western District of Missouri pursuant to 28 U.S.C. § 1406(a). The Court has reviewed the report and recommendation and agrees with the Magistrate. The case will be transferred pursuant to 28 U.S.C. § 1631. *See Johnston v. Wilkins*, 709 Fed. App’x 404, 405 (8th Cir. 2018) (28 U.S.C. § 1631 allows a court to consider whether interests of justice require a case to be transferred when no personal jurisdiction exists).

IT IS THEREFORE ORDERED that the report and recommendation (Doc. 34) is ADOPTED IN FULL. The Washington County Defendants’ motion (Doc. 23) is GRANTED and Plaintiff’s claims against Washington County Defendants are DIMISSED WITH PREJUDICE. The Lawrence County Defendants’ motion (Doc. 27) is GRANTED IN PART to the extent the Court finds there is no personal jurisdiction, however, Plaintiff’s claims against the Lawrence

County Defendants' will be immediately transferred to the Western District of Missouri, Southern Division. Judgment will be entered separately.

IT IS SO ORDERED this 24th day of January, 2022.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE